

**TENTATIVE AGREEMENT ON FACILITY TRANSITION
SEATTLE, WASHINGTON
Seattle Center
Thursday, March 2**



Attendees:

Laurie Davies, Facilitator, Washington State Department of Ecology (LD)
Merilyn Reeves, Chairperson of the Hanford Advisory Board (MR)
Paul Krupin, Lead Negotiator, U.S. Department of Energy (PK)
Doug Sherwood, Lead Negotiator, U.S. Environmental Protection Agency (DS)
Mike Talbot, U.S. Department of Energy (MT)
Tom Tebb, Negotiator, Washington State Department of Ecology (TT)
Gerald Pollet, Heart of America Northwest (GP)
Jack Waite, Westinghouse Hanford Company, facility transition support staff (JW)
Barbara Zepeda (BZ)
Kathy Crandall (KC)
Cynthia Sarthou, Heart of America Northwest (CS)
Jess Kadison (JK)

LD: I would like to welcome you tonight to our meeting on Hanford cleanup. The purpose of tonight's meeting is to share with you some recent negotiations to amend the Tri-Party Agreement for cleanup. These negotiations covered adding additional milestones to the Tri-Party Agreement for the transition of the nuclear production facilities to safer condition until final cleanup. Then, if I have just a second I would like to go through the agenda. Since we are small group, we could make it as informal as you would like. After I get done with my presentation we are going to have a few opening remarks from the Hanford Advisory Board, then we are going to have a brief presentation from Tom Tebb that will cover the elements of the Agreement. We would like to open it up for informal questions and answers. Then, take a brief five minute break so that we all can just get a breather and then come back and do formal comments. If you want to submit formal comments tonight please feel out a green card in the back with Lois and we will call your name and you can come up and give the formal comment. Tonight presenting for the three parties are Tom Tebb with the (Washington State) Department of Ecology, Doug Sherwood with the U.S. Environmental Protection Agency and Paul Krupin with the U.S. Department of Energy. Now, if there are no questions, what I would like to do is introduce to you the chair of the Hanford Advisory Board.

Merilyn Reeves was just recently appointed to the Hanford Advisory Board as Chair. She represents the State of Oregon and the Oregon League of Women voters.

MR: You know I am not accustomed to standing up here on this format. I am normally the one sitting back there you know in the fourth row thinking of all the nasty things that I am going to say later when I go up and make my comments to these groups. I just want you to know that I am normally one of you, you see, and the fact that I am now chairing the Hanford Advisory Board which is a Board about, we can never figure out for sure how many, it is either 32 or 33 or 34, but there is a whole lot of us let me tell you. We represent diversified interest here in the Northwest and this

includes the State of Oregon, the State of Washington. We represent, you know they call us the stakeholders, but we are not the kind you cut up and eat for dinner. And sometimes I think we feel like we are, or the agency people feel like they are. At any rate, we do represent very diverse groups and this means that we will have on our Board individuals representing non-union, non-management labor interest from Westinghouse or from Battelle and we will have environmental organizations like Heart of America been very active here on the Board. We will have the State of Oregon officially represented on the Board and we have so many groups and we all have different points of view and it is very interesting when we can finally agree. And one of the things that our Board has attempted to do is to provide some, what we call, consensus advice. We don't vote on things and you know 6 for and 22 against. We work on the issues until we can form a consensus. It takes a lot of work.

We held a meeting today, and it was a long day and it was a long meeting and yet at the same time we discussed some very interesting and varied issues that pertain to the cleanup and the waste management at Hanford. Now this topic talks about things called facility transition. Our Board is going to be interested in what kind of comments will come from this public hearing and the other two public hearings. Because we like to review what others have said when they look at it with objective views. Some of us get so involved with these issues that it is so nice to have other people to come in and ask the basic questions like: "what do you mean facilities? Well what are they? What do you mean by transition? How long is this going to take or what is it going to cost?" We like those kinds of questions because I think it pulls us all back and makes us realize that we have to get this in understandable English. Now the Board has adopted a six point statement as it pertains to facility transition. And you know what I would rather do. I would rather have a discussion of the various points that I think you are going to bring out. And then I would like to be able to come back and tell you what the Board said. We have a committee on the Board, the Dollars and Sense Committee, and Gerald Pollet chairs this group. In December, as part of some of the recommendations that came in we did do six statements as it pertained to facility transition. But I really do believe that it will make more sense in a formal way if we have some other discussions and then I will be glad to come back and tell you what our Board said about facility transition. If that is OK with you in the audience, I mean you are the ones that are listening. Thank you very much. Ok Tom.

TT: Thank you Marilyn, for that wonderful introduction and we agree. We need to hear from you folks about the Hanford Site and about the Hanford cleanup and some of the goals and objectives we are trying to achieve out there. That is why I think facility transition is really very important. It's a process where Hanford production facilities no longer have a mission and the intent is to take these highly expensive, maintained facilities through a process and the process we will describe to you a little bit later. We want to get the facilities to a point where they are in a low cost, low environmental risk and low maintenance. The reason why it is important is because of the cost. The Hanford cleanup budget actually funds the current surveillance and maintenance of these facilities at a very high cost. The cost ranges from anywhere from \$30 to \$90 million dollars for these facilities and if we can reduce those costs to something much less, I think that is a real benefit to this site. What we are going to talk a little bit about today, we are going to talk a

little bit about some of the negotiation objectives that we went into in July of last summer. We are going to talk about the scope of those negotiations, as well as a process that we have come up with--described as the decommissioning process. We have some visuals sort of scattered throughout the room. We have a graph, sort of a flow chart and excuse the small print on that but if you get some time maybe this evening you might take a look at that. There are also handouts of the same thing in the back. We have CD-Rom which does provide some real good visual slide shows as well as some moving graphics of what we are talking about at specific facilities as well as some definitions that I will be using tonight are also in the background. So really, what I want to talk about is the scope of those negotiations and those objectives. The facilities that we are covering tonight are the Plutonium, Uranium Extraction Plant or more commonly referred to as PUREX; the Uranium Trioxide Plant or more commonly called UO_3 , there is a lot of acronyms in this. I will try not to use acronyms, but if I do just shoot your hand up and say I don't know what that is. Also, there is the Fast Flux Test Facility or FFTF and the Plutonium Reclamation Facility and the oxide process lines and the Plutonium Finishing Plant or PFP. The negotiation subjects...there were six of them.

We really wanted to reduce the cost associated with maintaining these facilities, we wanted to reduce the amount of waste that these facilities are currently producing, as well as during the transition process we really wanted to have some waste minimization activities as part of the work. We wanted to set aggressive but realistic schedules, we wanted those schedules to be integrated. It is important that those schedules are and the type of activities and work we are talking about integrate with other Hanford type work in terms of cleanup. We also wanted to design a way so other facilities such as the ones that I mentioned that have not yet entered will be transitioned and again this is a process we will refer to as a decommissioning process and finally we wanted to be able to have a periodic review of these facilities as well as future facilities on an annual or bi-annual basis to see whether they need to be either put into this process or sped through the process a little faster. So, the scope of the negotiations started with the facility decommissioning process. We needed a process whereby we could take these facilities through and we designed this process in three phases. The first phase being transition. Again, the transition is the process whereby systems and spaces are deactivated over a period of over time to reduce them to the lower state of environmental concern. In terms of cost and maintenance. The second phase is what I would like to refer to in this package as the bridge phase. It essentially puts the facility, as I mentioned, in this low environmental cost maintenance phase for a period of time which may be up to 10, 20, 30 years. And finally the facilities disposition phase, whereby the facility will undergo a final closure and/or demolition. So we set work schedules for those facilities and I think if we have a graph we can show where they are located on the Hanford Site just for folks who may want to know. The Plutonium Uranium Extraction Plant or PUREX is located in the 200 East area. The Uranium Trioxide Plant or UO_3 is located in 200 West. The Plutonium Finishing Plant or the PFP is located in the 200 West and the Fast Flux Test Facility is located in the 400 area of the Hanford Site. And I think if you all can see that, if not we can answer any questions.

We also covered some miscellaneous issues (during negotiations). We felt

that this was a time in the agreement the Hanford Tri-Party Agreement which is the blue document Mr. Krupin has in front of him is currently in its fourth amendment. We felt that there was some problems with the agreement in terms of what we call programmatic communication between specific programs within the Department of Energy in terms of cleanup. We wanted to add issues such as integrated management commitments. We also recognize that there is a need to address the highly radioactive mixed waste located throughout the site and in a variety of locations. And really start talking about those and bringing those through a process so that we can get some good controls and manage those effectively. And as a result of designing this new process we have a lot of new words and we wanted to update the definition in terms of those words. So the proposed decommissioning process is a new section under the Tri-Party Agreement, Section 14. It applies to facilities that are not currently covered, either in the Resource Conservation Recovery Act or RCRA or the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA more commonly called Superfund. RCRA is the waste management side of the business and CERCLA is the Superfund side of the business. We also wanted to integrate those two environmental laws with existing USDOE orders and processes such that we can have a more effective decommissioning process. Each party must approve each transition phase through the process, closure of the RCRA unit within these facilities are largely different. This is probably one of the more controversial issues for some folks. I think I should also mention probably the other most controversial thing would be the budget and the money that is associated with transitioning some of these facilities. I think we may hear some of those comments tonight. Ecology and EPA retained the ability to require closure and cleanup of these facilities at any time given an environmental threat or impact that we foresee or after something has occurred, as well as I mentioned before the biannual process of reviewing these facilities on a periodic basis to ensure that what we are doing and where we are going with them is appropriate. There is a picture of the uranium tri-oxide plant or UO_3 has already gone through the facility transition phase of the decommissioning process. A couple weeks ago it had gone through the process. This is the Plutonium Uranium Extraction Plant or more commonly called PUREX. It has separated plutonium and uranium from the fuel rods from the reactors. Some of the key activities with this facility are to remove the nitric acid and implement the preferred alternative for the spent fuel removal of that facility. There is some spent fuel currently within that facility. I think the next photograph we have is the Fast Flux Test Facility. This facility received its shutdown orders in 1993 and it was part of the Department of Energy's Research Breeder Reactor Program. Some of the key activities associated with transitioning of this facility include removing the fuel from the facility. It is a liquid sodium cooled reactor so we need to build a facility such that we can put the liquid sodium into and store it. So those are key activities associated with transition of this as well as draining the sodium.

What I would like to show you now are really the elements if you will in the facility specific milestones. What you are seeing there are activities that are milestones within this proposed change package that we are looking for comment on tonight. What I want to do is to superimpose on there not just the dates that we are expected to have these activities completed, but funding money and things associated with the cost of maintaining them. If were to maintain PUREX in its current configuration

to stay safe we would be spending about \$30 to \$34 million and the curve is slightly up with inflation. Now the next overlay is actually the cost profile that we are planning that has been planned for now and for the future couple of years. And that is associated with the costs of deactivating. You can see the whole purpose of this is to reduce the cost and those monies can be saved and we can reduce the overall burden financially on the Hanford cleanup budget. Similarly we will show a similar slide for the Fast Flux Test Facility again the green (on the viewgraph) represents key activities, key aspects that are within this agreement and similarly the cost to maintain that facility in its current configuration without a transition and then the final figure there would be the cost of transitioning this facility in the time and the costs as they go down in time. The next facility is the Plutonium Finishing Plant. The Plutonium Finishing Plant or PFP...because of stakeholder values and some concerns, the U.S. Department of Energy agreed to provide a Environmental Impact Statement and prior to that and until that impact statement is prepared there are some immediate needs at that facility, so the immediate worker exposures and some immediate hazards. And what we are doing is we are trying to actually work through those and we call those interim actions. And those interim actions are stabilizing some of the sludges in the glove boxes, removing what we call the 10-L bottles and doing some of the plutonium clean out in the duct work. As I mentioned until that Environmental Impact Statement is completed, we essentially have some of the key activities associated with that were just that. So we established what we believe are dates for submittal of the draft Environmental Impact Statement, as well as a Record of Decision. After which, two months after the Record of the Decision the Tri-Parties will enter into negotiations to develop schedules for work activities to implement the preferred alternative for that facility. So, on this one (viewgraph) here we did not show cost profiles, but to run this facility in this current configuration, included the storage plutonium in the vaults is around \$90 million. I think what we are going to do now, we are going to give you an opportunity to answer some questions and I would really like to hear from you. I think that is probably the most important part of my job is coming out and talking to you folks and trying to get some input. It makes us make better decision and we look forward to that. Thank you.

LD: Does anybody have any questions?

NV: Have you had discussions with your attorney about the possible effect that might have on your ability to enforce RCRA, in light of some of the judges decisions that have come down?

TT: No. We have not had that kind of communication yet. I guess I would have to be more clear or ask what particular case you are referring to and are talking about closure, or are you talking about some of the...

NV: No, it was the Heart of America versus the U.S. Department of Energy where the court held that if it is under the Tri-Party Agreement in CERCLA jurisdiction therefore that preempts and there has been a concern and there was on the part your...(not audible)...because they filled an...(not audible)...brief on that. That would preclude the state from independently enforcing RCRA outside of the agreement.

TT: Well I am not an attorney and I would hesitate to answer any kind of legal questions.

NV: OK I was just asking you, you know, talk to Jay.

TT: I will do that.

NV: I am unclear what exactly the problems with the original Tri-Party were with the amendments? I hear you went through that.

TT: I didn't really go through all the problems with the Agreement. I think what we have found is that the Hanford Site, the Hanford cleanup is an enormous task and that when we initially launched into this effort in 1989 a lot of the milestones that were originally set were set on assumptions in terms of technology, assumptions in what we thought we could achieve and cleanup assumptions in what we really thought was there at the site. Since then through a variety of different sorts of methods and public hearings and different ways to hear from the folks about what the agreement could do or should do. It has undergone a series of changes. Maybe Doug you could be more specific.

DS: I think I can add a little bit to that. We have made quite a few changes to the Agreement over the years. These changes that we are going through this year and some of the ones we went through last year in the Tank Waste Remediation System (negotiation) process. We really had an agreement that dealt solely with two environmental laws--RCRA and CERCLA as Tom has said, but when you start looking at the whole Hanford Site, you have to look at it in terms of kind of the whole picture and all of the risks and look at them in a realistic sense. And for some of those things that aren't really directly RCRA- and CERCLA-related we felt they were important enough to have milestones and agreed upon dates on which that work should be done. And so the three parties agreed to negotiations on things like facility transition. That didn't exactly fit in one box or the other. Cleaning up spent fuel in K-Basins. There could be a big argument on whether that is in the purview or the jurisdiction of either of our two agencies. But in the bottom line it was important to all of us to get that fuel away from the river. So there have been a lot of changes, some of them have been delays in schedule because we didn't do work as fast as we thought we could. Some of it is we really added more to the agreement to make it a whole agreement to deal with all of the side issues. And I think that is really where this facility transition negotiations lead to was this was about \$300 million dollars of the Hanford budget, that I think everyone wanted to have a clear sense of what the schedule was for completing that work and getting the cost of maintaining these facilities down to an acceptable level. So I hope that helped in answering your question. I don't think it answered it all, but there have been essentially four or five sets of negotiations some of them dealing with delays, some of them dealing with additional work.

NV: (not audible).

DS: I would say that for facility transition we really attempted to carry out this process of getting these facilities down to a low cost state within USDOE's budget guidance. In other words, EPA and Ecology did not put a lot of pressure on USDOE to speed these up in terms of hurrying them forward. We knew there were a lot of other things that we had put into

the Agreement that we wanted to accelerate, keeping on track with the tank waste disposal. Getting the spent fuel away from the Columbia River and really to us those were higher priority activities. And so we decided that the appropriate thing to do here is to attempt to negotiate an environmentally safe condition for these facilities within the budget. So we hope we didn't add additional burden to the budget. I would let either of you respond if you like.

NV: (not audible).

PK: I think when I heard your question originally you were asking just to repeat and clarify how these amendments were? Let me give that a try. When the Department entered into this, we came to the conclusion that these nuclear production facilities were not going to operate any longer. It was a real distinct recognition that they were staring at the question of how to manage these solutions. They did contain hazardous materials. Many of them are managing hazardous waste and they do have significant quantities of radioactive materials in there. And basically what they did in Amendment IV in January 1994, is to recognize that instead of fighting over jurisdiction issues as to whose authority is to manage what, it would be better, more efficient, to let those potential legal arguments lie and let's come up with a plan and try and capture everybody's interests and that is what we try to do and that commitment to negotiate facility transition milestones was placed into this document into January of 1994 for PUREX, UO3 and FFTF and for the clean out and stabilization of those PFP and PRF facilities. Then we started those negotiations in June of 1994 an Agreement in Principle was signed. And it then brought in also these highly radioactive mixed waste facilities and issues. And that is where this comes from now. Six months of negotiation and we have milestones and schedules which takes these facilities from this hot standby condition down to this low risk lower cost condition of surveillance and maintenance and that is basically what is happening here. I have just a couple other things I would like to just clarify this process. This decommissioning process basically the way it works is that USDOE and its contractors with the stakeholders and regulatory agencies and inspectors and the technologists and scientists, we all plan on how to conduct these transition to identify the major things that need to be done and we put it together into a couple of different documents. One of them is called the end point. The end point describes that physical state, what's left, how clean is clean for now, the type of a document and there is one that is called end point criteria document which describes what we have to do, what requirements we have to meet and on the large part those are all based on regulatory requirements. And then there is this other document which is coupled with it, it is a surveillance and maintenance plan is how are we going to maintain that facility, the management facility for the long term. The regulatory agencies have basically approved that. We plan it together and they approve it. And that is the transition part of the cycle now. We then enter a surveillance and maintenance and someday 10 to 30 years from now we will go through an identical plan and then approve and then verify and validate a process for disposition. And so we basically have these two very simple cycles even though it looks complicated, it is complicated because the process identifies what type of documents we are creating. The roles the various agencies are also incorporated. It identified principally where tribal involvement occurs and then in the event that there is a basis for somebody to come up with a new beneficial use for these facilities, may be for research and

development, may be for treatment storage of materials, you can drop off this process and so in essence this is a plan for 30 years or more of activity. I call it the third leg of the TPA, the other two legs being hazardous waste management and Superfund cleanup of media, the contaminated areas of the Hanford Site.

NV: I have a question for the Department of Ecology. On your overhead for PUREX your third bullet was something to the effect to (not audible) extract facility. What is preferred alternative for that?

NV: Well, that has to do with an Environmental Assessment that is currently or we are planning to get out, I think it is out. Related to removing of the spent fuel that is in the head end of that facility. There is fuel that has not been processed essentially from the reactors that needs to be moved and this Environmental Assessment addresses the preferred alternative to remove that fuel where ever it would be located.

NV: Do you know what that preferred alternative is at this time?

NV: No, the Environmental Assessment is out for public comment and once we hear some feedback, we can make a better decision and we will implement that preferred alternative.

NV: Take me through the uranium trioxide plant. My understanding is that the plant ran in June or July of 1993.

NV: That is correct.

NV: And so what is the status of it and I mean now.

NV: That plant as you mentioned did run in June of 1993, I believe the summer of 1993. Essentially ran everything out of it. So when to transition that facility there was very little in terms of things that needed to be transitioned things like process, liquids and things like that in pipes and systems that PUREX and the Fast Flux Test Facility don't have. So essentially we were able to achieve the transition completion in a much earlier time.

NV: So that is the transition that is completed now?

NV: That is correct.

NV: So that cost the voter...(not audible).

NV: That is correct.

NV: And how much was that cost?

NV: Well I don't know the exact figure, Paul do you know? Pardon.

PK: ...(not audible)...million to deactivate it over a 15 or 16 month period and then we are about a \$20,000 per year surveillance and maintenance.

LD: Did you hear that?

NV: Yes, I did.

- LD: Any other questions? Gerry?
- GP: I have a couple questions the first dealing with FFTF, the flux reactor. What is the total cost for deactivation of FFTF?
- TT: Gerry, I don't have the total costs for the next four years but we do have the cost curve and I think you can pick off the points just generally off the curve. Then I can get you an answer.
- GP: We have been asking for that for two months. And the Advisory Board specifically asks for that information and asked for it before tonight's hearing. We reiterated it last month, and I guess I am just saying that we still don't have that information. Saying, "well maybe this much equals \$120 million which is..."
- PK: Gerry those costs are...the data is available and it has been evaluated thoroughly. We have a response coming to you, because on February 2 we committed to giving you a response. I think as you know, your Board's comments were provided in December. That was well after the negotiation, 95% of the negotiations have been concluded so we are right now preparing our response and its in concurrence coming to you with that information.
- GP: It's pretty damn tough to give you informed comments about the cost benefit of your agreement when for three months we've asked for the facility cost and you're saying you have it and you keep telling me you have it, it will be easy to provide it, and...
- NV: I believe there's enough cost information to address your question, which you've had.
- GP: You've said the sufficient information is somewhere in the vicinity of at least \$120 million. Is that generally the vicinity?
- NV: I don't know exactly where it is. It's going to add up over time. I don't know what the total is.
- GP: Well I guess the question then is you don't know what the cost really is. Given the low risk from that TF and rather slow payback to compare to PUREX, do EPA and Ecology believe that there are higher priorities for spending \$120 million such as at the time when USDOE says that they will not have sufficient money to fund liquid waste disposal straight to the soil. They do not have money to fund milestones to pump and treat of contaminated ground water entering the Columbia River. Are there higher priorities and why are we giving USDOE in essence a pace via agreement that locks in if there are higher priorities?
- DS: I'll take a shot at that from my point of view, I guess. Two things. The first is that EPA and Ecology have learned a lesson over the last five years and that is you can pay for it when it's their money or USDOE Environmental Management can inherit and it can be your bill. Nuclear energy is the one paying the budget on FFTF. Nuclear energy like defense production has in the past given us their facilities and zero budget to go with them. We're in a position now where nuclear energy is still paying the bill and until our choice really is nuclear energy pay the bill now or it comes out of our hide later. So I think there's a little reason to start it now. Is the pace the right pace? I'm not really sure if the

pace is the right pace. I think there are some things with FFTF that causes us to extend the schedule longer than we would like. Treating the 260,000 gallons of liquid sodium in the facility is going to take a certain amount of time and that's going to be, that's kind of the long pole in the tent for this particular project and so it does take an amount of time that seems longer than the other plants, I grant you that. There are some issues with how we're going to disposition that sodium that are a concern. And do we have higher priorities and higher risks? I think we do, but would nuclear energy fund those with their money? Probably not and so the question is should we get done with what we can with their money now before they desert us and leave us their facility anyway.

GP: I just think the question would be to USD OE given that the DOE budget as whole and DOE makes those decisions, doesn't DOE believe that there are higher risks and that if you're no longer going to be bound in 1997 by these old titles of where the funds come from for the Hanford Site shouldn't we expect that the funds go to the highest priorities in the terms of risk and environmental benefit?

NV: Gerry, I think that it's not really a decision for USD OE to make by itself any longer and what you're seeing here is a consensus proposal that's out for public comment that represents three agencies basically coming to an agreement that this is a reasonable and a beneficial thing to do at this point in time given the present programs that are out there. Institutions that are in place, risks that are posed, costs that are being born and benefits that can be derived.

GP: Why is the facility transition, this note for backup, the cleanup budget being slashed to the bone? One-third of the Hanford cleanup budget will disappear in the year 1998. In other words, the cleanup budget is going from \$1.5 billion this year down to one something billion dollars in 1998. The Environmental Restoration portion of the Hanford cleanup budget where the work that the public has demanded and insisted happen, the acceleration of protection of the Columbia River is going from an underfunded \$201 million down to \$143 million a 30 percent reduction. How come Facilities Transition is not taking, especially since we just heard that the risks are not as high as in other areas and the environmental benefits are not as high, why hasn't Facilities Transition taken an equivalent productivity challenge in your words to the other programs of higher risk and greater environmental benefit.

NV: Gerry, I honestly don't know why. I do know that if you look at these cost curves and these schedules that there's money you know the existing costs of these facilities to maintain them and it's in the tens of millions well 30 to 90 per year for these facilities and the sooner you bring the mortgage down the sooner that money can be used for other cleanup activities and so we think it's a balanced decision. We think it makes sense and we want to know what the public thinks.

GP: I guess but there are two parts to this question. One is even if it made sense to do the work how come every other program has to do more work for less money except for this program which seems to be doing the same work for the same plant for the same cost as it always has.

NV: Actually, these curves don't necessarily reflect the productivity challenges. We have Jack White here from Westinghouse. You have some

comments.

JW: Those curves came out of the MYPP's last fall.

LD: MYPP's are Multi-year Program Plans.

JW: Multi-year Program Plans. These programs have also been given productivity challenges like the other programs and both those curves in terms of actual funding are less than what is shown on that curve.

GP: Well, my estimate doesn't seem to jive with what is the reduction that Facilities Transition budget I mean I know off-hand what the ER budget is being cut in the name of productivity challenges, what's been the Facilities Transition budget cut in '94, '95, '96?

NV: I would have to go back and actually and look at the budgets for '95 and the outyears but I honestly don't think that they've been cut very much because and what we've done is our base assumption and so far it still holds true because these have come through this whole past few months of budget evaluation and cuts with the Republican administration coming in. This activity is still basically level funded because of the benefits that are produced financially in bringing these facilities down. The financial incentive of freeing the money by reducing the mortgage is the reason why its remained level funded for the most part and I guess I would have to really look to see whether or not there's any room for reductions that have been imposed on us.

NV: I have a quick question, the Department of Energy mentioned something in answer to someone else's question about management at these facilities and how you stopped arguing about who was managing them. Who was up from managing them? Whose responsibilities were you contemplating they should be?

NV: Well, hazardous waste in the State of Washington is managed by the Department of Ecology. Radionuclides.

NV: The buildings themselves.

NV: Excuse me, is regulated. Excuse me, is regulated by the State of Washington pursuant to the Hazardous Waste Management Act and Washington's been straight to code.

NV: But the facilities, the facilities that you want to transition, whose?

NV: Well USDOE has management responsibilities and this is why this is such an interesting to me is that its a very, very significant accomplishment is the decommissioning process integrates the decommissioning responsibilities that USDOE has under the Atomic Energy Act with requirements under the State Dangerous Waste Regulations and the EPA has radionuclides under CERCLA, and so we have tried to design a process which efficiently with a minimum number of documents necessary to satisfy everybody's regulatory needs. We designed a process which satisfies each agencies' missions and obligations and still involves the public and the stakeholders.

NV: Wasn't Defense the ones that were using these facilities to create bombs

in the first place?

NV: No. The Department of Energy and the Atomic Energy Commission way back were given the responsibility to operate the reactors to create the nuclear materials and supply finished product to the Department of Defense.

NV: What exactly are in these buildings that need to be extracted and the chemical processes that go in there? Is it like radioactive material that are inside that needs to be...

NV: Significant quantities of radioactive materials, nuclear materials that were disposed of in front of the facilities and then along the way there's a wide variety of--now they're mixed radioactive chemical products which have to be drained and the pipes from the tanks and the vessels are all in these cells. These canyon facilities have cement in between where the people work and where the activity actually occurs.

NV: So is that the process that's going on in the decommissioning buildings?

NV: Decommissioning basically results in the removal of the radioactive materials and the cleansing of the tanks and vessels.

NV: So where do the chemicals go after you have decommissioned them or extracted the radioactive material?

NV: Well, we enter into what they call waste management and its regulated by the State of Washington, principally as hazardous waste.

NV: And where does (not audible).

NV: To permanent treatment storage or disposal facilities.

NV: At the Hanford Site. There are very real risks in these facilities, very real worker exposure issues in these facilities especially PUREX and PFP, Plutonium Uranium Extraction Plant and Plutonium Finishing Plant, essentially these facilities were told to sort of stop. They weren't told to sort of prepare to stop, they were told to stop and remain in the standby status and so you have fluids containing hazardous and radioactive isotopes or mixed waste in a variety of piping and tanking systems throughout the...(tape ended)

NV: (tape resumed)...equipment, solids and the decontaminated equipment will end up going into burial grounds which are again regulated by the State of Washington.

GP: Where in this are there (not audible) and I've come to these things far too many times and I have repeatedly asked if you can't keep track of budget how are we going to keep track of all those interesting little radionuclides and electrons and whatever?

NV: What exactly are you looking for?

GP: I'm looking for figures and costs.

NV: Cost figures. I don't believe there are cost figures in this.

- GP: There's not. It seems like it would be very easy to put, I mean a bookkeeper could do this put the figures on page 96 or starting on 97 and put some figures down there that would be, you know you put these things out every six months and every year. There should be some figures there.
- NV: Good comment.
- GP: Well what's the answer?
- NV: I think we have an obligation to provide Gerry some specific total cost figures on FFTF transition. I think we can also provide those who would like them and would like to leave their name.
- GP: I have left my name repeatedly and I don't think that's the point. It isn't of any interest to anybody that I know these figures. It's of interest to people who are trying to solve a problem to have some basic facts. If you can't have the dollar facts in here my contention is the rest of the facts are highly suspect.
- NV: You're considering four different buildings here and it's a little bit confusing to me, so let me just try to clarify this and you tell me if I got it right. FFTF has been under the nuclear energy program and will continue and the funds will come out of nuclear energy from the Department of Energy's budget?
- NV: FFTF gave the transition...(not audible)...all the facilities transition goes from the program its presently funded under for operations into the DOE-HQ EM-40 budget which is the Environmental Restoration Program.
- GP: It will go, the funding will be coming out of the Environmental Restoration to do this process at FFTF?
- NV: No. NE covers transition and nuclear energy covers transition and at the end of transition the management of the facility switches into the department's Environmental Restoration Program, ER. Environmental Restoration has surveillance and maintenance.
- GP: So you're going to be adding money that's not already in the Environmental Restoration when you get done with the process of FFTF. Now the other three plans, the UO₃, PFP and PUREX were all formerly defense programs, right and those have been sort of orphaned and are already being managed under EM budget, right? Is that correct? And UO₃ is essentially gone through its transition and then paid for and is being maintained at \$40,000 a year whereas PFP and PUREX have very serious safety problems that you're concerned about and have not been through any kind of transition. Have I got it right?
- NV: Yes. I would only make one clear distinction about the Plutonium Finishing Plant and that there is an associated.
- NV: (not audible).
- NV: No. There's an associated cost with storing the plutonium that's on the Hanford Site that is not funded wholly by the Environmental Management portion of the Department of Energy. In other words, the defense program funds some of the storage of the plutonium at the Hanford Site although

not all of it.

NV: Okay after its transition...

NV: There will still likely be part of that plant that is going to be in the control of the defense programs for some extended period of time as long as materials are still stored at Hanford. That function will likely stay with them.

NV: That's not true for PUREX.

NV: No. The expectation is that once they're in their final state and, I won't say final state--once they've met the cleanup criteria that we're setting for those plants, they will then be transitioned into Environmental Restoration until such time as they're decommissioned. I mean either torn down and dismantled or disposed in place or whatever the final solution will be.

NV: And if the UO_3 plant is costing \$40,000 a year now is that sort of around what you would expect PFP and PUREX and FFTF to pay?

NV: No. The cost associated with maintaining the FFTF and PUREX in surveillance and maintenance are higher. I think they're \$2 million or \$2.7.

NV: (not audible).

NV: That's after transition, direct surveillance and maintenance and the reason is that first those facilities have far greater radiological risk and even in their surveillance maintenance statement they are also maintaining certain systems, the cranes, ventilation and certain things so when they do disposition the facility the capability to still use things that presently exist is available come disposition time.

NV: And that's true at all the other three--FFTF?

NV: That's true at FFTF, that's true at PUREX.

NV: As we mentioned the PFP or Plutonium Finishing Plant we'll probably have a much higher cost associated with it and if you can recall from our last slide we haven't gotten a preferred alternative for the stabilization of that facility. We're doing interim actions which I think are very important but are really just a bandaid on the real problem at that plant.

LD: Okay, any other questions? A couple more questions and we'll take a break.

LD: Last two questions.

LD: Last two or four or maybe five.

NV: I can't find what page its on, but in the draft agreement I thought it said that materials inside the plants, in the lines or whatever, would not be treated as RCRA waste until moved from the plant. Did I read that?

NV: I can draw a better, clearer decision. We're handling the materials in

the plants somewhat separately. For the Fast Flux Test Facility, we are not managing the liquid sodium in that plant as a RCRA waste until such time as we determine that other uses for that material such as the Tank Waste Remediation System program may use that liquid sodium as in the pre-treatment process to use for the waste that's in the tanks so we see that as a potential product and for those reasons until that decision is made we are not calling that a waste. For the PUREX plant, we are removing all the materials that are regulated and flushing those tanks and systems, and that material is being managed as a RCRA waste. With the exception of a phase that may have contained in or have things that have like the canyon walls or certain aspects where we really can't get to, we're not going to be managing those materials--like lead shielding, possibly a waste pile on the canyon deck, until such time as that material is removed.

GP: I'm not sure I understand right now.

NV: Gerry, there are EPA policies that we discussed this and evaluated this against and there is a good policy basis for the way in which we design these milestones against the policy and the regulatory interpretations of equipment that's come in contact with hazardous waste and how to manage it and those policy memorandum and different things come out of EPA headquarters and also directives.

GP: Under Washington state law, something's a hazardous waste if it was used to store hazardous waste. So let's say there's a tank in the PUREX plant that now has some liquid. Liquid comes out, you're going to say you are regulating that liquid that comes out, nitric acid, but you will regulate yes that liquid as it comes out.

NV: That is correct. And also any systems that have been in contact with that material is currently regulated as well on that Part A (permit) has been amended to include much more pipings and tank systems that were originally included for this effort. Moses Jaraysi from the Kennewick Ecology office is also part of the permitting and is very knowledgeable on that aspect. I'm sure he can answer your question in better detail.

GP: Okay so the tanking, piping, etc. will be, I'm not sure then Paul what you were talking about in what a waste pile would be that wouldn't be.

NV: Well my intention, what I was trying to do is just flush out where the decisions, what goes into the Part A (permit) and what didn't go into the Part A. Part A has been revised to include the tanks and vessels that were in contact with hazardous waste and that was the result of approximately a six month Data Quality Objectives process that Moses, Marilyn Reeves and oh I'd say about 22 others were involved in. It was a facilitated discussion with lots of information gathering.

NV: Some fixed portion of the building will not become waste until now. As they are now they are fixed, they are part of the building and functioning, I cannot figure what the original purpose of their being there. At the time of dismantling and final disposition when they are being torn apart from the building.

NV: Okay.

NV: It's really like lead bricks, Gerry. Our serving the purpose of shielding

in the facility you couldn't possibly tear those out. They would be hazardous waste under anybody's designation.

GP: You didn't answer my question which was to piping and...

NV: The plan is to clean those out as best we can.

GP: And then the last question is Paul or someone from USDOE on page 10 of the draft it references the disposition of the nitric acid inside you know what I'm going to ask about, inside the PUREX plant for which there is currently an Environmental Assessment after public comment. That Environmental Assessment says that you'll if you go ahead with shipping this to Britain, it's contaminated with uranium it would be shipped by truck across the country and then on boats to Britain and the decision is not final. Can someone explain why, and I have copies for people here who are interested and I'll just pass them out, why the British Press just reported that a gallon of nitric acid was shipped by air freight to Britain and lost and how does that jive with this agreement where it says you're not going to be moving it until there's a final decision. Isn't it risky to move nitric acid by air freight and why wasn't that in the Environmental Assessment.

PK: Gerry, I don't know why things were moving when and where, but I'll tell you what we did when we evaluated the nitric acid issue here. We looked at the cost and difficulty of treating and storing and disposing of it as waste and compared it to the costs associated with managing it for what was perceived to be a reasonable and highly cost effective beneficial use, the substitute of nitric acid over there. We came to the conclusion that we would save significant amount of money in not having to treat, store and disposal over here and I think, correct me if I'm wrong, was that not estimated at approximately \$70 million in treatment costs. What was the total? Do you happen to know?

NV: Isn't the alternative actually \$10 million in alternative storage costs compared to \$3 million in shipping it to.

PK: You know, I, if you're going to ask me questions like that, I'm going to have to go and get the facts to answer you and I'll be happy to do that.

GP: Well I guess I'm asking though not about the ultimate but I want to know how are we supposed to trust this process if you're out there shipping stuff to Britain and losing it and can anyone in USDOE address what happened and why. I know USDOE was aware that this was going to be aired tonight because you put out a press statement in rebuttal to this so someone here from USDOE damn well better be able to answer questions about what happened to this shipment and why it was sent.

NV: Gerry, I was only handed a copy of the press release when I walked in the door, but I do have Mr. Michael Talbot here and he'll answer your question.

MT: Thank you. Hello, we have a copy of the press release that Gerry was referencing here if somebody would like to get a copy of it and look at it.

NV: I would.

- MT: This came to our attention today. If we had known we wanted to discuss this in more detail we probably could have had somebody perhaps here but the detail basically is that we had a sample that was sent overseas to the folks at the British Nuclear Fuels. The shipment was held up for a period time in Amsterdam or prior to being shipped across the English Channel because of incimate weather conditions. The foul weather did shut down ferry traffic so it was not prudent to send it at the time. I would point out that the amount of material that was contained in the sample beyond the nitric acid was 14,000ths of an ounce of uranium and we're talking about basically a little above natural radioactive readings for uranium ore. This was the purpose, Gerry, of that shipment. I was here for the Advisory Board meeting earlier today so I don't have the specific information but I guess I would go on record and say that in no time did we have a lost shipment. We did have some material that was being held in a compound at an airport waiting for weather changes in the channel so that they could get the material over there and it didn't represent a high radioactive risk. I would also note that it was packaged per the appropriate shipping requirements and the Department of Transportation's requirements. We didn't use the Post Office. We used a private shipper.
- GP: Is that legal to send nuclear waste through the mail system?
- MT: We didn't use the mail system to do that.
- GP: It's legal to not inform anyone and just send stuff like that?
- MT: Well...
- GP: I understand you didn't use the Post Office, but it just seems like that was a danger.
- MT: The hazardous, the potential hazard from the material was the nitric acid not the 14,000th of an ounce of uranium that was in.
- GP: (not audible).
- MT: Nitric acid?
- NV: Yeah I don't know anything about it.
- MT: Boy I'm not a chemist so I can't tell you the...
- NV: Big problem now.
- MT: Yeah, sure you would have a problem but that's why it was shipped per approved Department of Transportation shipping requirements.
- GP: But during the Environmental Assessment, it was shipped during the Environmental Assessment process?
- gp: Environmental Assessment is not yet completed so this was a sample? Is it routine to send a sample?
- MT: Sure it would be routine to send a sample to somebody to take a look at it if you're going to discuss the options that continue to look at the process. However final decisions obviously haven't been made. The

Environmental Assessment hasn't been ruled upon and hasn't been acted upon and do you know Paul that close of comment phase is at the end of March, is that when that ends?

PK: I know the Environmental Assessment is being, is being actively considered right now. I think it was mid-April for the close of comment period.

GP: We're not shipping the waste to England.

PK: No.

MT: In January, this was just a sample. It had a small amount of uranium which was a known quantity.

GP: The material is still out in the tanks in the 200 area.

MT: It was shipped in accordance with accepted and regulated practices.

GP: Do you know who handled it?

GP: Surface contamination rad level? Are we talking less than one millirem per hour or are we talking?

MT: Gerry. Nobody was aware this was an issue today and I am not really an expert in that area. I just don't have that information for you.

GP: If you didn't know it was an issue today, why put out a news release today saying that we were wrong and that.

MT: Well it wasn't lost.

GP: It wasn't lost. I guess how do you define lost?

MT: It wasn't misplaced.

GP: And it did have fissile uranium in it, right?

MT: 14,000th of an ounce of uranium slightly above uranium ore.

GP: You weren't wrong whether or not it contained uranium. Whether it included some fissile uranium.

MT: This is a standard practice in the industry to be able to ship this material. These kinds of shipments on other types of material, far more hazardous than this, occur on a regular basis throughout the country.

NV: (not audible).

MT: You might check into the medical field some of the materials that they're using are far more hazardous than what we're dealing with here. I want to emphasize and stress this material was sent within the boundaries and within legal constraints of what is required for legal shipment.

GP: But those shipments that occur all the time aren't in the middle of an Environmental Assessment process where you've asked us to cooperate with you in reviewing the Environmental Assessment and in commenting on and

helping you draft. Our staff has put in about 40 hours to help draft it and we have to find out that its got blazing headlines about it in the British press not from someone at Hanford but from people at DOE headquarters. He thought don't you people out in Washington state know that this is a controversy about this shipment. Heck, no we don't.

MT: I would consider it a very serious breach, Gerry, if we were shipping several thousand gallons in advance of the completion but if you're going to discuss with a potential receiver of the material and you're in the process of doing some evaluations it would be and I can't state this for a fact because I don't know the actual purpose but it would be quite natural for the receiver perhaps wanting to take a little better look at the content of the material.

GP: They have a plant in Denver, why wouldn't they work on it in Denver?

MT: I do not know, I am not the technical person on this program.

GP: Do you know your plant in Denver?

MT: We recognize this obviously is an issue at your heart and we're happy to take the comment and the feedback. We are not prepared with a technical expert to sit down tonight but we would be glad to provide some information later on.

GP: I find it disingenuous Mike that you manage to put out a news release today saying that it wasn't lost and the claims that it was lost or fissile material are false but you're prepared to stand here and give that explanation but say that you're not prepared to say why it was okay to send them in the middle of the Environmental Assessment process, why we had to learn about it from sources 3,000 miles away and what does this mean in terms of the trust that we were asked to place in the people drafting the Environmental Assessment because they didn't want us to oppose it just on the basis of credibility issues and the message I've got for you is we weren't opposing the shipment you know but the credibility puts us in a position where we've got to look at this shipment. That really blows it for you guys.

LD: Okay. Take a five minute break and come back. I have six cards here from people who want to give a formal comment. If there's anybody else who'd like to give comments sign up at the board and then we'll call your name.

(Five-Minute break)

LD: When I call your name I would like you to step up to the microphone to make sure we get the comment on tape clearly rather than sitting in your seats and other than that there's a small number of people who want to speak so I'm not going to limit time. I would like to start with Marilyn Reeves, Chairman of the Hanford Advisory Board, Chairperson.

MR: The Hanford Advisory Board submitted 14 pieces of consensus advice to USDOE or in some cases to the Tri-Parties and in December we submitted Consensus Advice No. 8 as a portion of that advice six points were agreed to that pertained to facility transition. I would like to have on the record how the board operates. We have a committee structure. We review issues and then in the reviewing of those issues and develop a lead

person. They will have indepth information presented to the committee from the agencies. From that, they will develop some position papers that stay within the committee recognizing that those will be always more indepth than the board itself wishes to deal with and they finally get those condensed down into a form that they believe the board will be willing to listen to and agree. We're a policy board so many of the technicalities the board does not get into. As the facility transition was part of a very large packet of advice that we provided in December and its advice that has a great deal of substance to it. So these are the points then that the board agreed upon and I want to emphasize we agree to every single word and this is a large board and there are 32 of us and if any word is a word that does not fit with the values of that board member, that board member says I don't like that word and then we see well is it just the word that's bothering you? Is it the phrasing? So when I read this every word I jokingly say has blood on it because every word's been really worked upon and that is the way the committee operates, the board operates.

First, we believe that all facilities should not be treated equally in terms of priority for making the investment to move into a surveillance and maintenance mode but that this investment should be examined in light of safety, projected cost savings and any future reuse considerations. Second point, we believe that higher priority should be given to those facilities with the highest payback in terms of safety, projected cost savings and future reuse. Third point, high priority Hanford cleanup activities are being deferred in part because of the upfront costs relating to the facility transition. These monies that are being deferred should not be lost and the out year savings must be requested for Hanford cleanup and USDOE must find a way to make this cleanup investment possible. I would like to explain that a little bit. If we're going to have to spend more and take it out of other cleanup activities but we spend it now we assume we're spending it now because later the cost will be lower. We don't want to lose those savings at Hanford. We don't want them to go into some other pot. We believe that there should be some way that we can make this cleanup investment possible and these out year savings can then be used for the necessary cleanup at Hanford. Point number four, the \$120 million five year investment in the FFTF transition should be re-examined as to its pace and priority. Reprogramming from FFTF to higher Hanford priorities should be sought if a far higher safety and legal compliance priorities at Hanford face shortfalls such as the spent nuclear fuel removal from the K Basins. Point number five. USDOE should not allow the cleanup budget to subsidize defense and energy programs. All transfers of defense programs, facilities or materials to the environmental management program should be accompanied by full commitment to funding at the time of transfer and this includes funding for safety, terminating the program, removing the potential product materials, and attaining a safe surveillance and maintenance mode. And the final point, the facility transition budget must be based on legal compliance with applicable hazardous waste and environmental statutes including safety and hazardous materials training for the workforce. Thank you very much.

LD: Barbara Zepeda.

BZ: I just want to reiterate what I say at each one of these meetings that I've come to and it seems like there's one every other month and that is

that the only way you have an enforceable contract is that you have an arms length contract where the people who are getting money have somebody outside actually keeping their hands separate from making profit, from making mistakes and that's the trouble with nuclear energy. It's been mixed up with the weapons production. You do have these laws but the facts are that in World Press this month's magazine that nuclear fuel was secretly sent to South Africa and that's on the record now. Who knows where else it's going and we have an extremely, the only group that has money now is the Mafia in the world it seems. They're running drugs. They're running arms. Nuclear weapons. Nuclear fuel. If it's going the traditional route of the way garbage has been handled in most of our cities it's been run by the mob. So that unless we can, as a democratic society write a contract that's clear and not fraudulent and a basic parameters of a non-fraudulent contract. That it's enforceable. And that the person pays for it gets a specific item or performance in return and for a specific cost and when you don't have the dollar figures and you don't, you still have the same people actually writing the contract that are actually going to be performing the contract. I have repeatedly asked for the international standards, the international atomic energy agency what are their criteria. Somebody outside this whole conspiracy of garbage. I lived in Hanford, my mother worked there, I had to listen every night for ten years of how things went out there at Hanford and she had a very low job and the only guy that was her supervisor that followed the rules got fired because they didn't, this was in the forties, the fifties and the sixties and the same people, the same corporations are running Hanford and we can play these little EIS games. We can play these hearing games and I'm still willing to play them but until you do the baseline job of getting some arms length, outsider to perform the actual evaluation of what's actually going on there now and if a contract is written so it can be enforceable we're all wasting our time and our money will be wasted too.

LD: Kathy Crandall.

KC: I want to talk first about the nitric acid problem and I realize this is not a comment on the Environmental Assessment which I have looked at briefly. I think that this sample being sent without knowledge of anybody here in Washington really shows a lack of credibility and its very disturbing to me that on page 10 of this document it says that a key element to the success of the PUREX deactivation in a timely manner is the shipment of PUREX 203A nitric acid to British Nuclear Fuels. It seems to me that you've already decided what you want to do with this even though it has not completed the Environmental Assessment process and I really think that just trying to do a quick Environmental Assessment process is wrong. A full Environmental Impact statement should be done. This is a very serious matter, brings up serious conflicts with the non-proliferation relation goals that this country and the administration and the Department of Energy have said that they fully support and I think that you know we're currently accepting shipments of low enriched uranium into this country so that they will not be reprocessed by British Nuclear Fuels or any place else and then we're sending nitric acid to Britain in order for them to continue their reprocessing goal. It sort of feels like you guys think if you ship enough nuclear waste around it will all come out even or something. I think that particularly the lack of credibility indicates that you and the way that it was shipped which even if it wasn't lost it was detained in a storage area and I'm not very comfortable with

the way in which it was shipped. I'm very concerned about the safety problems if you had larger shipments and I think you need to address those more carefully.

I want to compliment the Hanford Advisory Board on the hard work that you've done. I have to say that I understand consensus really well because I, went to a Quaker college and we did everything by consensus and I know its a very difficult process and I think that you guys did a great job and I endorse your points.

There are four very different facilities here that you're being, are being lumped together, and I think that it's important to look at each one of those separately. The FFTF is going to be is with nuclear energy now and it looks like more money is going to be dumped into the environmental management whereas the UO₂ plant you said is essentially done with this process and then you have PFP and PUREX which have very difficult problems going on at them right now. Those are different problems and I would support waiting on the FFTF and analyzing perhaps a PFP and PUREX more closely to see as Gerry said everything else is accepting a productivity challenge, I think that this program ought to also.

And finally I just want to say that there are so many other priorities out there which it seems are being tabled and these are priorities that the public has persistently and consistently wanted. Things like cleanup along the Columbia River, the stabilization and increase monitoring at the high level nuclear waste tanks which are not being fully funded and I think that you ought to agree or adhere to the agreements that you've already made before you come up with a bunch of new milestones that are going to be taking money away from those clearly identified priorities. Thank you.

LD: Cynthia Sarthou.

CS: Hi I'm Cynthia Sarthou with Heart of America Northwest. My first comment is of course I have talked to Laurie and she says that the Attorney General for the state of Washington has reviewed this agreement but I would caution them to very carefully review this agreement and not to make the mistakes that were made with the, in the past with the Tri-Party Agreement and not to give up rights which they now possess by bringing things within the umbrella of Tri-Party Agreement. I say this mainly because it is my personal opinion that the Department of Energy has found its strategy finally which is to bring everything within federal facility agreements and thereby preclude everybody else from doing anything. I have seen that sort of nationwide as occurred on some shipments of waste from Fernald to the Nevada test site where the citizens of Nevada were informed that they could not challenge those shipments nor could they ask for an Environmental Impact Statement because it was part of a CERCLA cleanup. So I would say that we should be cautious in the way we proceed.

Second of all, I really do believe that in today's budgetary reality we must be very careful about how we prioritize. The recent battles that a lot of us have been looking at and facing and fighting in Congress over potential \$6 million, \$600 million in revisions for the 1995 FY budget bode very ill for the 1996 budget. It is doubtful that it will be supported at the presidential levels and some people are very, very scared about how low its actually going to get and so priorities are really more

imperative I think now than they ever have been and although I know that PFP is a serious issue and I believe that PUREX also is a potentially serious issue, I think that people should be very careful about FFTF. I also am very concerned about defense programs. I think that too much emphasis has been placed on DOE-HQ Environmental Management dollars to try to do transition of facilities and that defense programs has an ever increasing budget and should be required to pay its fair share of facility transition. And I say that for the record because I think it's something USDOE has not fought hard enough and I think it needs to be fought so those are my comments. Thank you.

LD: Jess Kadison

JK: Jess Kadison, address 10306 Avenue North, Seattle, Washington 98133. Okay. I'd like to start basically with the shipments too. I think it's kind of embarrassing and it's really very important that while doing an Environmental Assessment you don't make those kinds of mistakes and definitely it does undermine the trust that people are just beginning to build for you. Also, I think that instead of trying to do transitions on all four facilities or if any and taking away from funds for the environmental milestones, the public has already said were priorities. There needs to be a balance, and not a balance towards the best services for the Department of Energy, but for once the balance is towards the people and the public's need and the public's exposure to environmental hazards not just the DOE workers exposure. I think clearly that all milestones which have already been set need to be accomplished before taking on new tasks such as facility transitions. Most of the milestones which have been set have already been postponed and they need to be accomplished and I think that any good corporation would finish their task before starting a new one and I think that's what you people need to do.

LD: Gerald Pollet.

GP: I'm going to be speaking for Heart of America Northwest and covering several issues. The first issue is request that the Department of Ecology and EPA seek to require the Department of Energy to use defense program funds for facilities until a shutdown order is signed and material in those facilities is declared a waste and this in terms of the facilities in front of us this is particularly applicable to PFP. The plutonium solutions are not being called a waste and if they're not being called the waste I don't see why cleanup funds should be used for them. Let the defense program which considers them an asset fund the facility transition costs and stabilization costs until they acknowledge that they are a waste and subject to regulation.

In terms of what you can do in the TPA, we believe that the TPA should explicitly state that failure to fund milestones in other areas will result in enforcement actions if you use Environmental Management money for facility transition of defense program facilities that are in essence being subsidized by the cleanup program. A very clear statement of your enforcement priorities in the Tri-Party Agreement, signed by the Department of Energy, acknowledging that right now it already says DOE's obligated to fully request funds. Well, enforcement priorities are often part of agreements like this and they ought to be included here and they ought to state very clearly that if the Department of Energy uses cleanup funds to babysit defense program plutonium and just the cost of

babysitting the plutonium in the vaults for the defense program is about \$20 million this year. Well, if you miss \$20 million worth of milestones for protecting the Columbia River it ought to be clearly stated that that will result in significant enforcement actions and it ought to reference the Department of Justice's environmental prosecution guidelines which state that if there is a willful disregard for a compliance agreement and funds are available but not spent that is one of the major factors for prosecution. In terms of Section 113H of CERCLA and inclusion of facility transitions in this agreement at all, enforceability of the agreement was the number one issue raised by the public thousands of members of the public as I recall, the last time the Tri-Party Agreement was changed and put out for public comment. The state needs to do a strategic legal analysis and share it with the public and the Advisory Board regarding whether facility transition should be included at all in this agreement. So as long as the Department of Energy claims that any facility or area that is covered in a cleanup agreement is not subject to independent regulation by the state or enforcement by the state or citizens, it does not seem very wise to me to put these facilities into the agreement. You have independent RCRA jurisdiction, we agree with you that you have it, why weaken your case, why not use the schedules you've now negotiated for totally separate RCRA required compliance schedules and do not put it into this agreement and remove all reference to the facilities from this agreement.

Third, along the same lines, the agreement should require the Department of Energy to accelerate and fund cleanup that is now being deferred while we are funding facilities transition. Once the facility costs are lowered. We're being asked to defer...(tape ended)

GP: (tape resumed)...of millions of dollars lowering the mortgage. I don't expect that the Department of Energy especially we've seen it in their targets. They've already told you in essence that they're not going to transfer the money saved into the cleanup program. They will spend it on the defense program where they are shifting \$3.9 billion of cleanup funds directly into. Now legally, Ecology and EPA cannot say in the agreement you will spend x, y or z funds when you're done lowering your mortgage, but what you need to do is take an integrated look at the agreement and other milestones and other high priority areas which I know that you'll agree there are other high priority areas like the Columbia River which has been promised an acceleration of remediation, TWRS disposal milestones, and require the Department of Energy to sign up to accelerated milestones once facility transition costs are lowered with the explicit understanding and statement in the TPA that you're doing this on the basis of having deferred that work while funding facility transition and that enforcement actions will be taken if this state has to pay the long term consequences of paying for facility transition subsidized the defense program and energy program plants only to see the funds cut for the cleanup ultimately.

Paragraph 148 of the draft agreement, I mean actually the TPA, paragraph 148 includes the new language which makes it very clear in the very first sentence that the Department of Energy is obligated to request full funding for all milestones under the agreement. That language is very, very clear. It is very important and we don't think it should be tinkered with adding program integration muddies the water in that sentence. You add issues about program integration throughout the body of paragraphs 148

and 149, but it weakens the funding obligation we think to say all of a sudden there's this weird thing called program integration which is also subject to this language and this requirement, but you can't define program integration. You can define the funding obligation. Right now it's a very clear, simple statement and it's very important to the public that you keep it a very clear, simple statement that says DOE is obligated to request full funding for obligations under this agreement. Please don't muddy that water by that sentence adding program integration. You've got it elsewhere where it counts in paragraphs A through M. In fact paragraph M, I thought is particularly well structured.

FFTF costs. As the Advisory Board has noted, FFTF costs don't seem to be of the same payback. Since we are being told that we are going to unbundle Hanford cleanup money in 1997, the argument that we're going to try to use energy research money after 1997 for FFTF becomes a little more dubious. Assistant Secretary of Energy, Thomas Grumbly, told the Advisory Board and the National Gathering of Advisory Boards two weeks ago that he was committed to ending the stovepiping or unbundling the money and giving Hanford a lump sum starting in 1997. That means that if what is driving that decision is the fact that that monies from the energy research program wouldn't have it anyway. That reason kind of gets thrown out the window starting in 1997 and we have more urgent priorities and I don't believe that the payback has been demonstrated for FFTF the way it has been for the other facilities. Nor have we seen an iota of a productivity commitment and undertaking comparable to other programs by the FFTF. The reactor program simply hasn't been subjected to the same cost savings and efficiency requirements that other programs have.

We're concerned that the facility transition provisions need to be well integrated with the Federal Facilities Compliance Act. There should be a requirement that by a certain date there is going to be a high quality, quantitative assessment of how much Federal Facility Compliance Act wastes are in these facilities and we deserve a site treatment plan in essence for those just the same as every other site in the country. We're the only site without a site treatment plan. The rationale for that is we have the cleanup agreement, but the cleanup agreement does not quantify those wastes, nor does it really give us a site treatment plan. That relates to the advice of the Hanford Advisory Board to barring offsite waste from being treated unless certain rigorous conditions are met in these same facilities. That has not been addressed in this draft and I would ask that you take a look at the Advisory Board advice and you incorporate that either by reference and then into the permits, but explicitly state it in the agreement or reiterate those conditions in the agreement itself if we go with this agreement in the first place for facilities. I am concerned about the statement after you answered my question I went back and I did find that there is statements saying that equipment in PUREX may not be subject to regulation under RCRA if it was emptied within 180 days of shutdown and other qualifications. We're concerned it's under Washington state law, it's either dangerous waste or it's not. It doesn't depend on when it was emptied or when it wasn't emptied. It's either contaminated and used to hold dangerous waste or it wasn't.

Last issue is the nitric acid issue. I want to adopt the comment of Kathy Crandall relating to including a statement in this document which will be used against you ultimately in terms of Ecology and EPA, that you agree

that this material has to be shipped to British Nuclear Fuels before there's been an Environmental Assessment. There's a violation of the National Environmental Policy Act to make that statement. Furthermore, the statement on page 10 that storage and treatment is a higher cost alternative doesn't belong in this document. The draft Environmental Assessment we've made clear in commenting on and trying to work with DOE on it. The draft Environmental Assessment will make clear that tank farm storage of the nitric acid is a ridiculous alternative. You don't need to put low uranium contaminated nitric acid in a double-shell high level nuclear waste tank. You can build for \$10 million sufficient storage capacity for all the tanks--I mean for all the 180,000 gallons of nitric acid. Now in terms of facility transition, the language here needs to only reflect that there's only 25,000 gallons of that nitric acid inside PUREX. Only that acid, that 25,000 gallons, is in any way shape or form an obstacle to deactivation and that's what you should be focusing on in this language and noting that and you should simply say that that 25,000 gallons needs to be removed from the plant and you should not do anything which prejudices the outcome of the Environmental Assessment or accepts before the Environmental Assessment is done that this will be declared product and not waste and shipped to Britain. That I believe is the last comment. I thank you very much.

LD: If there are no other comments, I would like to quickly review the remainder of the comment period and your alternatives for providing comments. The facility transition period goes until March 30th. You can submit written comments to Annette Carlson and her address is in the inside of this book at the Department of Energy in Richland. We hope to then put out a response to comment document as soon as possible and have the agreement completed by the first part of June or July. With that I would like to close the meeting and if you want to talk to anybody I'm sure they'd be happy to stay around for a little bit afterwards. Thank you all for coming.